

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

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In re:  
Eric Fisher and  
Sarah Vanhorn-Fisher

Debtors.

Chapter 7 No. 07-20481

Hon. Daniel S Opperman

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND ENTRY OF ORDER  
WAIVING THE PROVISION OF FRBP 4001(A)(3)**

NOW COMES Movant, HSBC Mortgage Corp USA, by and through its attorneys, Trott & Trott, P.C., and shows unto this Honorable Court as follows:

1. That Movant is a holder of a mortgage on property owned by the Debtor(s) and located at 12004 W Sharon Rd, Oakley, MI 48649-8715 (see attached copy of loan document(s));
2. That the Debtor(s) filed Chapter 7 Bankruptcy on February 27, 2007;
3. That pursuant to 11 U.S.C. § 362(d)(1), upon request of a party in interest, the court shall grant relief from stay for cause, including lack of adequate protection of such party in interest;
4. That pursuant to the books and records of Movant, the Debtor(s) has failed to remit the required payments;
5. That Movant is not adequately protected as the direct payments are not being remitted and the loan is currently three (3) months in default, due and owing for February 1, 2007;
6. That pursuant to 11 U.S.C. § 362(d)(2)(A) and (B), the Court shall grant relief from the stay if the Debtors do not have any equity in the property and the property is not necessary to an effective reorganization;
7. That the approximate market value of the subject property is \$112,500.00;
8. That the total debt owing to Movant, is approximately \$116,527.30, which includes Movant's Attorney fees and costs for filing this motion;
9. That no other party has an interest in the subject property to the knowledge and belief of Movant;
10. That no other creditor will receive any benefit from the sale of the subject property;

**TROTT & TROTT, P.C.**  
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11. That in the event the automatic stay is terminated to allow Creditor to commence or continue its federal and/or state law rights as to the property, and Creditor deems the property is physically abandoned by the debtor(s)/homeowner(s), Creditor may also seek to shorten the Michigan post foreclosure statutory redemption period.

12. The Movant further seeks relief in order to, at its option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement. The Movant may contact the Debtor via telephone or written correspondence to offer such an agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement.

13. That pursuant to Local Bankruptcy Rule 9014-1(b)(4), attached is a copy of the proposed ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY AND WAIVING THE PROVISION OF FRBP 4001(a)(3) labeled as Exhibit "A";

14. That in the event a hearing on this motion is held and after said hearing the Court orders submission of an order in substantial compliance with Exhibit A, presentment of said order shall be waived;

WHEREFORE, Movant respectfully requests that the Court enter an ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY AND WAIVING THE PROVISION OF FRBP 4001(a)(3) for good cause shown pursuant to 11 U.S.C. §362(d)(1) and/or (d)(2), and that the Order is effective immediately upon entry by this Court notwithstanding the provision of FRBP 4001(a)(3); and whatever other relief the Court deems just and equitable.

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Respectfully Submitted,  
Trott & Trott, P.C.

Dated: April 25, 2007

/S/ Shawn C. Drummond (P58471)  
/S/ Kenneth A. VanNorwick (P61707)  
/S/ Janielle E. Ryan (P63470)  
Attorney for HSBC Mortgage Corp USA  
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**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY AND WAIVING THE PROVISION  
OF FRBP 4001(a)(3)**

Movant, HSBC Mortgage Corp USA, by and through its attorneys, Trott & Trott, P.C., having filed a Motion For Relief From The Automatic Stay with respect to the property located at 12004 W Sharon Rd, Oakley, MI 48649-8715; and the approximate market value of the property is \$112,500.00; and the current debt owing to Movant is approximately \$116,527.30, which includes Movant's Attorney fees and costs for filing this Motion; and any surplus on the sale of this property shall be distributed pursuant to applicable state law and procedures; and any deficiency on the sale of this property shall be treated as an unsecured debt; and the Court being in receipt of the Motion, and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that the Automatic Stay is hereby terminated as to Movant with respect to the property located at 12004 W Sharon Rd, Oakley, MI 48649-8715 to allow Creditor to commence or continue its federal and/or state law rights to the property. In the event Creditor deems the property is physically abandoned by the debtor(s)/homeowner(s), Creditor may also seek to shorten the Michigan post foreclosure statutory redemption period. Movant and/or its successors and assigns may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement. The Movant may contact the Debtor via telephone or written correspondence to offer such an agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement. This Order is effective immediately upon entry by this Court notwithstanding the provision of FRBP 4001(a)(3). This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Bankruptcy Code.

**EXHIBIT 'A'**